UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.1
28 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 20

CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-FIFTH SESSION OF THE SUB-COMMISSION

Note by the Secretary-General

Draft provisional agenda for the forty-fifth session of the Sub-Commission

The text of the draft provisional agenda for the forty-fifth session of the Sub-Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

Legislative authority: Commission on Human Rights resolution 1992/66 and Sub-Commission resolution 5 (XIV), decision 2 (XXXIV) and resolution 1992/8.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

Legislative authority: Sub-Commission resolutions 1991/23, 1992/31 and 1992/32 and decisions 1992/108 and 1992/109.

Documentation:

(a) Report by the Special Rapporteur (para. 1(b) of resolution 1991/23);

(b) Second progress report by the Special Rapporteur (para. 3 of resolution 1992/31);

(c) Final report by the Special Rapporteur (para. 2 of resolution 1992/32);

(d) Final report by the Special Rapporteur (decision 1992/108);

(e) Working paper by a member of the Sub-Commission (decision 1992/109).

5. Elimination of racial discrimination.

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa.

Legislative authority: Sub-Commission resolutions 1992/5 and 1992/6.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

Legislative authority: Sub-Commission resolutions 1992/10, 1992/15, 1992/16 and 1992/20.

Documentation:

(a) Note by the Secretary-General (para. 5 of resolution 1992/15);

(b) Updated list of the Secretary-General (para. 10 of resoluton 1992/10).

7. The new international economic order and the promotion of human rights.

(a) The role and equal participation of women in development

Legislative authority: Sub-Commission resolutions 1987/26 and 1989/1

Documentation:

Report of the Commission on the Status of Women (resolution 1987/26)

Report of the Committee on the Elimination of Discrimination against Women (resolution 1987/26)

8. The realization of economic, social and cultural rights

Legislative authority: Sub-Commission resolutions 1992/26, 1992/27, 1992/28 and 1992/29.

Documentation:

(a) Progress report by the Special Rapporteur (para. 4 of resolution 1992/26);

(b) Preliminary report by the Special Rapporteur (para. 1 of resolution 1992/27);

(c) Preliminary study by the two Special Rapporteurs (para. 6 of resolution 1992/28);

(d) Note by the Secretary-General (para. 11 of resolution 1992/29).

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

10. The administration of justice and the human rights of detainees:

(a) Question of the human rights of persons subjected to any form of detention or imprisonment.

Legislative authority: Sub-Commission resolutions 7 (XXVII), 1992/25 and decision 1992/107.

Documentation:

(a) Annual reports of the Secretary-General (resolution 7 (XXVII));

(b) Note by the Secretary-General (para. 5 of resolution 1992/25);

(c) Working paper by a member of the Sub-Commission (decision 1992/107).

(b) Question of human rights and states of emergency.

Legislative authority: Sub-Commission resolution 1992/22.

Documentation:

Annual report and updated list by the Special Rapporteur (para. 7 of resolution 1992/22).

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

Legislative authority: Commission on Human Rights resolution 26 (XXXVI).

(d) The right to a fair trial.

Legislative authority: Sub-Commission resolution 1992/21.

Documentation:

Fourth report by the two Special Rapporteurs (para. 2 of resolution 1992/21).

(e) Question of the impunity of perpetrators of violations of human rights.

Legislative authority: Sub-Commission resolution 1992/23.

Documentation:

Preliminary report by the two Special Rapporteurs (para. 5 of resolution 1992/23).

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

Legislative authority: Sub-Commission resolution 1992/....

Documentation:

Report by the Special Rapporteur (paras. 4 and 7 of resolution 1992/....).

12. Human rights and disability.

Legislative authority: Sub-Commission resolution 1985/34.

13. Elimination of all forms of intolerance and of discrimination based on religion and belief

Legislative authority: Sub-Commission resolution 1985/34.

14. Discrimination against indigenous peoples.

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77 and Sub-Commission resolutions 1989/38, 1991/32, 1992/33 and 1992/35.

Documentation:

Study by the Special Rapporteur (para. 2 of resolution 1991/32);

15. Contemporary forms of slavery.

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1992/2 and 1992/3.

Documentation:

(a) Report of the Secretary-General (para. 20 of resolution 1992/2);

(b) Report of the Secretary-General (para. 2 of resolution 1992/3).

16. Promotion, protection and restoration of human rights at national, regional and international levels.

(a) Prevention of discrimination and protection of children: human rights and youth;

(b) Prevention of discrimination and protection of women.

Legislative authority: Commission on Human Rights resolution 1985/13 and Sub-Commission resolution 1992/4.

Documentation:

Report of the Secretary-General (para. 4 of resolution 1992/4).

17. Protection of minorities.

Legislative authority: Sub-Commission resolutions 1989/44 and 1992/37.

Documentation:

Final report by the Special Rapporteur (para. 6 of resolution 1992/37).

18. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-sixth session of the Sub-Commission.

19. Adoption of the report of the forty-fifth session.

UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.2
12 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-fourth session

Agenda item 10 (d)

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

RIGHT TO A FAIR TRIAL

Draft resolution submitted by Mr. Al-Khasawneh, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Ul-Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Saboia, Ms. Warzazi and Mr. Yimer

1992/... Right to a fair trial

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/27 of 1 September 1989, in which it decided to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial,

Recalling also its resolution 1990/18 of 30 August 1990, in which it decided to entrust Mr. Chernichenko and Mr. Treat with the preparation of a study entitled, "The right to a fair trial: current recognition and measures necessary for its strengthening",

Recalling further its resolution 1991/14 of 28 August 1991, as well as resolutions 1991/43 of 5 March 1991 and 1992/34 of 28 February 1992 of the Commission on Human Rights,

Having examined the brief report on the right to a fair trial (E/CN.4/Sub.2/1990/34), the second report (E/CN.4/Sub.2/1991/29) and the third report (E/CN.4/Sub.2/1992/24 and Add.1-3) prepared by the Special Rapporteurs,

Welcoming the recommendations made by the Special Rapporteurs in section IV of their third report,

1. Expresses its appreciation to Mr. Stanislav Chernichenko and Mr. William Treat for their comprehensive third report which summarizes the Inter-American and European interpretations of the right to a fair trial as well as information on habeas corpus and amparo;

2. Requests the Special Rapporteurs to submit a fourth report analysing national practices in regard to the right to a fair trial, including information received in response to the questionnaires, to the Sub-Commission at its forty-fifth session;

3. Requests the Secretary-General to transmit the report to be prepared by the Special Rapporteurs, as soon as he receives it, to Mr. Fisseha Yimer and invites this expert to examine the report with a view to making comments thereon at the forty-fifth session of the Sub-Commission, without prejudice to the right of all members of the Sub-Commission to make comments and express their opinions on the report;

4. Looks forward to the preparation by the Special Rapporteurs of a fifth report in 1994 containing recommendations for strengthening the implementation of the right to a fair trial in the light of interpretations of the right by international bodies and contemporary national practices;

5. Urges the Special Rapporteurs to make suggestions on how the right to a fair trial might be further protected, notably by making the right, or certain aspects of the right, non-derogable, and incorporating basic fair trial guarantees into international standards, for consideration by the Sub-Commission at future sessions;

6. Recommends the following draft decision to the Commission on Human Rights for adoption:

The Commission on Human Rights, noting resolution 1992/-- of .. August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, expresses its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their continued work on the study entitled, "The right to a fair trial: current recognition and measures necessary for its strengthening", endorses the request to the Special Rapporteurs to continue their study and recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, recalling its decision 1992/230 of 20 July 1992, approved the endorsement by the Commission on Human Rights of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to Mr. Stanislav Chernichenko and Mr. William Treat to continue their study on the right to a fair trial: current recognition and measures necessary for its strengthening, as described in Sub-Commission resolution 1992/--, of .. August 1992 and requests the Secretary-General to provide the Special Rapporteurs with all the assistance necessary for the completion of their task."

UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.3
13 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 16

CONTEMPORARY FORMS OF SLAVERY

Draft resolution submitted by Mr. Al-Khasawneh, Ms. Ferriol Echevarria, Ms. Ksentini, Mr. Maxim and Mr. Merrills

1992/-. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34),

Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, the slavery-like practices of apartheid and colonialism, and the phenomenon of child soldiers,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work, in particular the progress made at its seventeenth session in executing its programme of work, and for its continued broad approach and flexible methods of work;

I. Sale of children, child prostitution and child pornography

(a) Special Rapporteur on the sale of children, child prostitution and child pornography

2. Welcomes the decision of the Commission on Human Rights, contained in its resolution 1992/76 of 5 March 1992, to extend the mandate of the Special Rapporteur, Mr. Vitit Muntarbhorn, for three years, while maintaining the annual reporting cycle;

3. Takes note of the information on these problems supplied by participants at the seventeenth session of the Working Group and requests the Centre for Human Rights to transmit this information to the Special Rapporteur, along with the recommendations relating to his mandate;

4. Requests the Special Rapporteur, within the framework of his mandate, to pay increased attention to issues relating to trafficking in children, such as organ transplantation, the use of children's bodily products, disappearances, the purchase and sale of children, adoptions for commercial or exploitative purposes, child prostitution and the involvement of children in armed conflicts;

(b) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

5. Requests the Secretary-General, in accordance with Commission on Human Rights resolution 1992/74 of 5 March 1992, to invite all States to inform the Sub-Commission of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, contained in the annex to resolution 1992/74;

6. Requests the Working Group to examine the state of the implementation of the Programme of Action at its eighteenth session and to transmit, through the Sub-Commission, a report thereon to the Commission at its fiftieth session;

(c) Removal of organs from children

7. Requests the Secretary-General to invite all Governments, United Nations bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, and all

relevant non-governmental organizations, in particular ICPO-INTERPOL, to pursue their investigations of allegations involving the removal of organs from children and to indicate the measures taken, if any, to counteract this practice wherever it exists, with a view to presenting a report to the Working Group at its eighteenth session;

II. Exploitation of child labour and debt bondage

8. Reiterates its request to the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Abdelwahab Bouhdiba's report on the exploitation of child labour (E/CN.4/Sub.2/479), submitted to the Sub-Commission at its thirty-fourth session in 1981, and to extend that study to the problem of debt bondage;

9. Decides to transmit the draft programme of action for the elimination of the exploitation of child labour (E/CN.4/Sub.2/1992/34, annex 1) to the Commission on Human Rights;

10. Decides to keep the question of the eradication of debt bondage under consideration and to assess the progress achieved;

III. Child soldiers

11. Takes note of the report of the Secretary-General on the recruitment of children into governmental and non-governmental armed forces (E/CN.4/Sub.2/1992/35 and Add.1);

12. Expresses its deep concern that in many parts of the world children continue to take part in hostilities and are recruited into armed forces, and that some Governments and non-governmental entities encourage and sometimes compel children to take part in hostilities;

13. Requests the Working Group to continue to give attention to this question at its eighteenth session;

IV. Prevention of traffic in persons and exploitation of the prostitution of others

14. Considers it necessary to promote the implementation of international norms and standards concerning the traffic in persons and the exploitation of the prostitution of others and to strengthen the implementation mechanism of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

15. Requests the Secretary-General to make available to the Working Group on Contemporary Forms of Slavery a summary of the replies received from Governments, specialized agencies and intergovernmental and non-governmental organizations relating to the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, pursuant to Commission on Human Rights resolution 1992/36 of 28 February 1992;

16. Requests the Secretary-General to convey to the World Tourism Organization the grave concern of the Working Group with regard to sex tourism, together with a request that it convene, as a matter of priority, a meeting to discuss the consequences of sex tourism and ways of preventing this phenomenon, in particular when the prostitution of children is involved;

17. Recommends that States take urgent measures to protect minors from exposure to or involvement in child pornography and requests the Secretary-General to invite States to provide information on measures taken or already applicable in that regard;

18. Requests the Secretary-General to submit to the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms information received by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery regarding the situation of women forced to engage in prostitution during wartime;

V. Machinery for monitoring the international conventions on slavery

19. Recommends that the Secretary-General request the States parties to the international conventions on slavery to submit to the Sub-Commission at regular intervals reports on the situation in their countries, as provided for under the conventions;

20. Requests the Secretary-General to invite annually States which have not acceded to or have not ratified the international conventions on slavery to explain why they have not done so and to report on their replies to the Sub-Commission at its forty-fifth session and to the Commission at its fiftieth session, and to extend a similar invitation to States which have not ratified the conventions on forced labour of the International Labour Organisation;

21. Recommends that Governments avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

22. Urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

23. Requests the Secretary-General, when preparing his next report on the status and implementation of the international conventions on slavery, to include a list of States which have not yet signed, ratified or acceded to those instruments;

VI. United Nations Trust Fund on Contemporary Forms of Slavery

24. Calls for the immediate implementation of General Assembly resolution 46/122 of 17 December 1991 establishing the United Nations Trust Fund on Contemporary Forms of Slavery and appeals to all Governments to respond favourably to requests for contributions to the Fund;

VII. Miscellaneous

25. Requests the Working Group to study the possibility of preparing guiding principles for combating the various contemporary forms of slavery and to endeavour to identify the spheres in which such guiding principles could be applied;

26. Requests the Secretary-General to seek the views and suggestions of Member States and governmental and non-governmental organizations on this subject with a view to the consideration of their replies by the Working Group at its future sessions;

27. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, with a view to combating contemporary forms of slavery;

28. Also recommends that the supervisory bodies of the International Labour Organisation and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

29. Requests the Secretary-General to transmit to the above-mentioned committees, the Special Rapporteurs concerned and the Working Group on Disappearances the recommendations of the Sub-Commission contained in this resolution of relevance to them and the report of the Working Group on its seventeenth session;

30. Also requests the Secretary-General to invite news agencies, the press, television and radio to contribute, particularly within the context of the World Conference on Human Rights, to the rapid elimination of slavery in all its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices, trafficking in persons and exploitation of the prostitution of others, and also requests that similar awareness be promoted by the Department of Public Information of the United Nations Secretariat;

31. Notes with appreciation that the Commission on Human Rights, in its decision 1992/115 of 3 March 1992, decided to approve the request of the Sub-Commission to the Secretary-General to examine the possibility of organizing the sessions of the Working Group for eight working days during the month of April or May and recommends that such arrangements be repeated in subsequent years;

32. Requests the Secretary-General to schedule periods of consultation of the Special Rapporteur on the sale of children at the Centre for Human Rights to coincide with the future sessions of the Working Group and, if this cannot be arranged, requests the presence at those sessions of the officer of the Centre for Human Rights who assists the Special Rapporteur;

33. Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity

and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery, to prepare documentation well in advance, to facilitate the attendance at the sessions of the Working Group of the the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined, and to report on the measures taken for this purpose to the Commission on Human Rights at its forty-ninth session and to the Working Group on Contemporary Forms of Slavery at its eighteenth session;

34. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to report on the measures taken for this purpose to the Commission on Human Rights at its forty-ninth session and to the Working Group on Contemporary Forms of Slavery at its eighteenth session.

UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.4
11 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 12

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Draft decision submitted by Mr. S.V. Chernichenko

1992/... Human rights and scientific and technological developments

At its ... meeting, on ... August 1992, the Sub-Commission decided to consider at its forty-sixth session the possibility of elaborating new human rights standards relating to scientific developments which can affect the mental condition or the genetic structure of human beings. The issue will be considered under the agenda item "Human rights and scientific and technological developments".

GE.92-13057/4925H (E)

UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.5
12 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 13

ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

Draft resolution submitted by Mr. Bossuyt, Mr. Boutkevitch, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Ul-Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer

1992/-. Encouragement of universal acceptance of human rights instruments

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1 B (XXXII) of 5 September 1979, 19 (XXXIV) of 10 September 1981, 1982/3 of 7 September 1982, 1983/27 of 6 September 1983, 1984/36 of 30 August 1984, 1985/5 of 27 August 1985, 1988/30 of 1 September 1988, 1990/24 of 31 August 1990 and its decision 2 (XXXIII) of 11 September 1980 on the encouragement of universal acceptance of human rights instruments,

Having considered the note by the Secretary-General (E/CN.4/Sub.2/1992/27) relating to communications with Member States concerning the ratification of, or accession to, the relevant human rights instruments, and developments in that regard since the forty-second session of the Sub-Commission,

Convinced that attaining universal acceptance and implementation of international instruments in the field of human rights is of primary importance for the protection and promotion of human rights,

1. Takes note with appreciation of the ratification or accession by several States to the instruments contained in the list of human rights instruments under paragraph 1 of its resolution 1 B (XXXII), as complemented by its resolutions 1982/3, 1983/27, 1984/36 and 1985/5;

2. Decides to include the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in the list of human rights instruments;

3. Expresses its appreciation for the programme of advisory services in the field of human rights by which ratifications of, or accessions to, the international instruments on human rights have been accelerated;

4. Requests the Secretary-General further to promote the programme of advisory services so that practical assistance in the process of ratification and implementation of international instruments on human rights is available for those States which indicate a need for such assistance;

5. Requests the Secretary-General to renew the invitation for submission of information contained in his earlier notes verbales to the Governments of Member States which have not yet replied to those communications, making particular reference to the human rights instruments to which those Governments have not yet become party and drawing the attention of each Government to the instruments which it has already signed but not ratified;

6. Also requests the Secretary-General to continue holding informal discussions concerning prospects for ratification of human rights instruments with government delegations on such occasions as the sessions of the General Assembly and the Commission on Human Rights, priority being given to the instruments prepared by the Commission on Human Rights such as the

International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the First Optional Protocol to that Covenant, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child;

7. Further requests the Secretary-General to continue to inform the Sub-Commission, as appropriate, on his endeavours under the present resolution and to update the table containing a country-by-country record of developments which have taken place in connection with the ratification of, or accession to, the human rights instruments included in the terms of reference of the Sub-Commission;

8. Decides to request the Chairman of the Sub-Commission to appoint, prior to its forty-sixth session, one of its members to report to it at that session on information received under the present resolution, to analyse difficulties impeding ratification of, or accession to, the above-mentioned instruments and to assess the programme of advisory services in the field of human rights with a view to further encouraging universal acceptance of human rights instruments;

9. Decides to continue consideration of the agenda item "Encouragement of universal acceptance of human rights instruments" at its forty-sixth session and at subsequent alternate sessions of the Sub-Commission.

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UNITED NATIONS

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Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.6
12 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 16

CONTEMPORARY FORMS OF SLAVERY

Draft resolution submitted by Mr. Al-Khasawneh, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Ul-Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar and Ms. Warzazi

1992/... Contemporary forms of slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Affirming the mandate of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prevent discrimination, to discourage State practices that legitimize discrimination and to reinforce the international legal norm of non-discrimination,

Stressing that the Convention on the Elimination of All Forms of Discrimination against Women was adopted to eliminate discrimination against women in all its forms and manifestations,

Concerned that over 20 of the 107 States parties to that Convention have filed more than 80 substantive reservations with respect to their obligation to implement the Convention,

Concerned also that certain reservations to the Convention, in particular those in relation to the adoption of policies and institutional measures to implement the terms of the Convention (art. 2), political and public life (art. 7), discrimination in the field of employment (art. 11), equality of men and women before the law (art. 15) and marriage and family relations (art. 16), might diminish the international legal norm and legitimize its violation,

Aware that the third meeting of the States parties adopted a resolution expressing concern that these reservations might not be compatible with the object and purpose of the Convention,

Noting resolution 35/3 adopted by the Commission on the Status of Women at its thirty-fifth session, held from 27 February to 8 March 1991, in particular the invitation to the international community contained therein to mark in an appropriate manner the tenth anniversary of the entry into force of the Convention, and the encouragement of all States parties to make every effort to facilitate the implementation of the Convention at the national, regional and interregional levels,

Noting also that the Treaty Section of the Office of Legal Affairs of the United Nations Secretariat has given an opinion 1/ that neither the Secretary-General, as depositary, nor the Committee on the Elimination of Discrimination against Women has the power to determine the compatibility of reservations with the Convention,

Recalling its decision 1991/115 of 29 August 1991 in which it decided to suspend consideration of draft resolution E/CN.4/Sub.2/1991/L.49 recommending to the Commission on Human Rights that it propose to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on the validity and legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women,

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1/ See Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 45 (A/39/45), vol. II, annex III.

Noting that at its seventeenth session the Working Group on Contemporary Forms of Slavery invited the Sub-Commission to take a decision on the question in the light of replies from the Committee on the Elimination of All Forms of Discrimination against Women and the Commission on the Status of Women,

1. Requests the Secretary-General to seek the views of the Committee on the Elimination of All Forms of Discrimination against Women and the Commission on the Status of Women on the desirability of obtaining an advisory opinion on the validity and legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women and to invite them, in their replies, to make such further observations on the issue of reservations to this Convention they may consider appropriate;

2. Also requests the Secretary-General to report the results of the above consultations to the Sub-Commission at its forty-fifth session;

3. Decides to reconsider draft resolution E/CN.4/Sub.2/1991/L.49 at its forty-fifth session in the light of the replies received from the Committee on the Elimination of All Forms of Discrimination against Women and the Commission on the Status of Women.

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UNITED
NATIONS

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Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.7
13 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 17

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS
AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

Draft resolution submitted by Mr. Al-Khasawneh, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chaves, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Ul-Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian, Ms. Warzazi and Mr. Yimer

1992/... Discrimination against women

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking into consideration the objectives of the Nairobi Forward-looking Strategies for the Advancement of Women and of the Convention of the Elimination of All Forms of Discrimination against Women,

Having in mind the mandate of the Commission on the Status of Women and of the Committee on the Elimination of Discrimination against Women,

GE.92-13121/0374K (E)

Noting with concern that the status of women has not greatly improved and that women in many areas continue to suffer discrimination, as described in the reports submitted by States parties to the Convention on the Elimination of All Forms of Discrimination against Women,

Noting also with concern the alarming information contained in the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1992/34), in particular with regard to prostitution and exploitation,

Recognizing the consequences of armed conflicts for women in view of their special vulnerability to violence of all kinds,

Recognizing also the harmful effects of certain traditional practices and social attitudes on the health and well-being of women,

1. Recommends that women's rights be recognized as human rights and that they be treated as such in all United Nations bodies, including the Commission on Human Rights;

2. Also recommends that the forthcoming World Conference on Human Rights give priority to the question of discrimination affecting women and their status, both in its agenda and in the documentation prepared for the World Conference;

3. Further recommends that information on the equality and empowerment of women, and their access to equality in education, work, health and literacy, be included in States' reports to all human rights monitoring bodies, not only to the Committee on the Elimination of Discrimination against Women;

4. Requests the Secretary-General to report on the implementation of the present resolution to the Sub-Commission at its forty-fifth session.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.8
21 August 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN CONCERNED

Draft resolution submitted by Mr. Al-Khasawneh, Mrs. Attah, Mr. Bossuyt
Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros,
Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mr. Maxim
Mr. Merrills, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer

1992/... Support for the recommendations of the
Pan-African Conference on Democracy and
Management of the Transition in Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having taken note of the deliberations of the Pan-African Conference on Democracy and Management of the Transition in Africa, held in Dakar from 25 to 28 May 1992 and attended by more than 200 political leaders from 42 African countries and by prominent figures from all parts of the world,

Noting the innovative and particularly productive character of that meeting, which, for the first time, enabled leaders of political parties in power and of opposition movements to call a truce in their ruthless struggle to gain or retain power and to reflect together on the future of Africa,

Observing that the discussions focused on the following three basic themes: (a) What kind of democracy and what kind of transition for Africa?; (b) The imperative need for development as a basis for democracy; and (c) The instruments for the promotion of democracy and management of the transition,

1. Takes note with interest of the observations and conclusions contained in the final resolution of the Dakar Conference;

2. Notes in particular the undertaking by participants to respect the fundamental principles of democracy, namely (a) freedom of expression, association and initiative; (b) separation of powers; (c) political pluralism, trade-union pluralism and media pluralism; (d) respect for human rights; (e) free and democratic elections; and (f) democratic alternation in power, principles described as the basis for a successful transition;

3. Also notes that, in order to ensure the normal functioning of institutions, the Dakar Conference recommended:

(a) A statute for opposition movements as an essential cog in the machinery of democracy, with official recognition of their right to alternation in power, entailing the unrestricted exercise of public freedoms, the right to participate in all elections, the right to free and democratic elections, the right to monitor all phases of the electoral process and the right of access to the media, without discrimination;

(b) A statute for former heads of State who agree to abide by the rules of the democratic process, to submit to the will of the people and leave office on the basis of the results of elections or of a personal decision;

(c) A national charter embodying the solemn undertaking of all political actors to opt for peaceful transition in observance of the rules of the democratic process, the sovereignty of the people and pluralism;

(d) A definition of the role and status of the Army so that, like all other institutions of the State, it confines itself to its traditional tasks of defending territorial integrity and carrying out specific development missions or providing assistance to endangered democracies, in the framework of regional mechanisms, the organization of which remains to be determined;

(e) Elections as the only means of access to power, for a smooth changeover from a single-party regime to a democratic regime, and supervision of the electoral process by a joint monitoring body, comprising representatives of both the authorities and the political parties concerned;

4. Strongly supports the views of the Dakar Conference stressing the close interdependence of development and democracy, while reaffirming that development is not a prerequisite for building a democratic society or culture;

5. Notes that the participants undertook to reflect on the ways of ensuring a continuing national dialogue among economic actors to permit broad reflection and consensus in the formulation of economic policy, and that they emphasized the importance of individual initiative and ways of preserving and developing the economic and industrial fabric of Africa;

6. Welcomes with satisfaction the Dakar Conference's recognition of the importance of regional economic integration, which, in conjunction with genuine political cooperation, can pave the way for the establishment of far-reaching African undertakings;

7. Notes that the Dakar Conference recommended the establishment of structures to remedy any dysfunctions in African democracies, namely:

(a) The establishment of a Pan-African transition monitoring mechanism;

(b) The Establishment of an African mediation committee to settle political disputes and armed conflicts, under the aegis of the leaders of African political parties and able to intercede at the express request of all the parties to a conflict;

(c) The institutionalization of a general conference of African political parties;

8. Congratulates the organizers of the Dakar Conference on their successful initiative and suggests that they disseminate the findings as widely as possible, including to the competent international authorities;

9. Encourages the participants to put the result of their fruitful deliberations into practice and to follow it up by calling on all political actors in Africa to contribute actively to that process in the future.

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UNITED
NATIONS

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Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.9
17 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Draft resolution submitted by Mr. Al-Khasawneh, Ms. Attah, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Ramadhane, Mr. Sachar, Mr. Tian Ms. Warzazi and Mr. Yimer

1992/... Situation in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in its resolution S-16/1 of 14 December 1989,

Recalling also all the relevant resolutions of the Commission on Human Rights, in particular resolution 1992/19 of 28 February 1992,

Mindful of General Assembly resolution 33/165 of 20 December 1978 on the status of persons refusing service in military or police forces used to enforce apartheid,

Taking note of the decisions of the Council of Ministers of the Organization of African Unity at its fifty-sixth Ordinary Session in Dakar, held from 22 to 28 June 1992, in particular the decision urging the international community to refrain from establishing official links with South Africa until the establishment of an interim Government and the holding of free and fair elections on the basis of the new constitution,

Welcoming the accord of 16 August 1991 between the United Nations and the Government of South Africa which opens the way for refugees to return to South Africa and for the release of political prisoners,

Concerned that many political prisoners are still incarcerated, that political trials of some opponents of apartheid still continue and that not all political exiles have been allowed to return,

Gravely concerned at the new wave of violence that is further devastating South Africa and the role of the Government of South Africa in this regard,

Gravely concerned also at the continued military cooperation between South Africa and some Governments,

Conscious of the great courage, perseverance and sacrifices of the people of southern Africa in the face of aggression and oppression by the Government of South Africa,

Noting with great concern that the negotiation process within the framework of the Convention for a Democratic South Africa (CODESA) is deadlocked because of the refusal by the Government of South Africa to follow the universally accepted democratic principles for implementing constitutional change,

Concerned that the violence in South Africa is escalating in spite of the constant appeals by the international community to end the carnage which constitutes a major obstacle to the negotiation process,

Recalling the establishment and launching of the Action for Resisting Invasion, Colonialism and Apartheid Fund (A/41/697-S/18392) at the Eighth Conference of the Heads of State or Government of Non-Alligned Countries,

1. Reaffirms that apartheid is a crime aganst humanity;

2. Also reaffirms the right of all persons to refuse service in military or police forces when they are used to enforce apartheid;

3. Strongly condemns the perpetrators of the violence that continues to devastate South Africa and denounces the Government of South Africa for its failure to act to stop the violence;

4. Reiterates the call contained in the Declaration on Apartheid and its Destructive Consequences in Southern Africa for, inter alia, the unconditional release of all political prisoners and detainees by the Government of South Africa, the removal of all troops from the townships, the repeal of the remaining legislation designed to circumscribe political activity and the cessation of all political trials and executions;

5. Urges all States to continue to provide, both individually and collectively, moral and material assistance to the oppressed people of South Africa;

6. Appeals to the Government of South Africa not to proceed with the execution of the several opponents of apartheid, including the "Uppington Fourteen", who have been on death row for more then four years;

7. Reiterates that unity of action and cohesion among the liberation movements and other democratic South African forces within the framework of the United Patriotic Front is absolutely necessary at this crucial stage of the struggle and constitutes the best means of hastening the process of negotiations aimed at the advent of a non-racial, democratic and united South Africa;

8. Urges the international community to refrain from establishing official links with South Africa until an interim Government responsible for supervising the transition to democratic rule, including the holding of free and fair elections under universal adult suffrage on a common voters' roll, has been put in place in the country;

9. Affirms that any relaxation of pressure on South Africa at this time would be a violation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa;

10. Vigorously condemns all military collaboration with the Government of South Africa, particularly in the nuclear field.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.10
20 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FOURTH SESSION

Geneva, 3-28 August 1992

Rapporteur: Mr. Marc BOSSUYT

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* E/CN.4/Sub.2/1992/L.10 and addenda will contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1992/L.11 and addenda.

GE.92-13446/0479K [E]

XVII. CONTEMPORARY FORMS OF SLAVERY

1. The Sub-Commission considered item 16 at its 7th, 8th, 10th and 17th meetings, on 7, 10, 11 and 14 August 1992.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34);

Updated report of the Secretary-General on the recruitment of children into governmental and non-governmental armed forces (E/CN.4/Sub.2/1992/35 and Add.1).

3. At the 7th meeting, on 7 August 1992, Ms. Ksentini, on behalf of the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, Mr. Al-Khasawneh, introduced the report of the Working Group (E/CN.4/Sub.2/1992/34).

4. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (10th), Mr. Boutkevitch (7th), Ms. Chavez (7th), Mr. Eide (7th), Mr. Guissé (7th), Mr. Joinet (7th), Mr. Maxim (7th), Mr. Merrills (10th), Mr. Sachar (7th), Mr. Vergne Saboia (7th), Ms. Warzazi (10th) and Mr. Yimer (7th).

5. Statements were made by the observers for Brazil (10th), the Democratic People's Republic of Korea (7th) and the Republic of Korea (7th).

6. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Anti-Slavery International for the Protection of Human Rights (10th), Centre Europe-Tiers Monde (7th), Commission of the Churches on International Affairs of the World Council of Churches (10th), International Abolitionist Federation (10th), International Association of Democratic Lawyers (10th), International Catholic Child Bureau (7th), International Educational Development, Inc. (7th), International Federation Terre des Hommes (7th), International Fellowship of Reconciliation (7th), World Association for the School as an Instrument of Peace (7th).

7. A statement equivalent to a right of reply was made by the observer for Japan (8th).

8. At its 17th meeting, on 14 August 1992, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.3, sponsored by Mr. Al-Khasawneh, Ms. Ferriol Echevarría, Ms. Ksentini, Mr. Maxim and Mr. Merrills. Ms. Warzazi subsequently joined the sponsors.

9. Mr. Al-Khasawneh revised the draft resolution as follows:

(a) In operative paragraph 4, the words "children's bodily products" were replaced by the words "child labour";

(b) Operative paragraph 9, reading: "Decides to transmit the draft programme of action for the elimination of the exploitation of child labour to the Commission on Human Rights;" was replaced by a new paragraph.

10. Ms. Ksentini revised the draft resolution as follows:

In operative paragraph 29:

(a) The words "the recommendations of the Sub-Commission contained in" were deleted;

(b) The words "of relevance to them" were deleted;

(c) The words "the recommendations of the Sub-Commission contained in this resolution of relevance to them and the report of the Working Group on its seventeenth session;" were replaced by "the present resolution, as well as the report of the Working Group on its seventeenth session, drawing their attention to the recommendations contained therein of relevance to them and transmitting any information which is of concern to them;".

11. Mr. Boutkevitch orally proposed the insertion, in operative paragraph 14, of the words "the prohibition of" after "concerning".

12. Mr. Yimer orally proposed the insertion, in operative paragraph 14, of the words "the suppression of" after "concerning".

13. Mr. Guissé orally proposed the deletion, in operative paragraph 12, of the words "continue to take part in hostilities and".

14. Ms. Warzazi made a statement relating to the draft resolution.

15. The amendments proposed by Mr. Al-Khasawneh, Mr. Guissé, and Mr. Yimer were accepted by the sponsors.

16. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications of draft resolution E/CN.4/Sub.2/1992/L.3 (see annex III).

17. The draft resolution, as orally revised and amended, was adopted without a vote.

18. For the text as adopted, see chapter II, section A, resolution 1992/2.

19. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1992/L.6, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar and Ms. Warzazi.

20. The draft resolution was adopted without a vote.

21. For the text as adopted, see chapter II, section A, resolution 1992/3.

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UNITED
NATIONS

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Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.11
18 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FOURTH SESSION

Rapporteur: Mr. Marc Bossuyt

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1992/2. Report of the Working Group on Contemporary Forms of Slavery .....

* E/CN.4/Sub.2/1992/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1992/L.11 and addenda.

GE.92-13292/4804B (E)

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A. Resolutions

1992/1. Encouragement of universal acceptance of human rights instruments

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1 B (XXXII) of 5 September 1979, 19 (XXXIV) of 10 September 1981, 1982/3 of 7 September 1982, 1983/27 of 6 September 1983, 1984/36 of 30 August 1984, 1985/5 of 27 August 1985, 1988/30 of 1 September 1988, 1990/24 of 31 August 1990 and its decision 2 (XXXIII) of 11 September 1980 on the encouragement of universal acceptance of human rights instruments,

Having considered the note by the Secretary-General (E/CN.4/Sub.2/1992/27) relating to communications with Member States concerning the ratification of, or accession to, the relevant human rights instruments, and developments in that regard since the forty-second session of the Sub-Commission,

Convinced that attaining universal acceptance and implementation of international instruments in the field of human rights is of primary importance for the protection and promotion of human rights,

1. Takes note with appreciation of the ratification or accession by several States to the instruments contained in the list of human rights instruments under paragraph 1 of its resolution 1 B (XXXII), as complemented by its resolutions 1982/3, 1983/27, 1984/36 and 1985/5;

2. Decides to include the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in the list of human rights instruments;

3. Expresses its appreciation for the programme of advisory services in the field of human rights by which ratifications of, or accessions to, the international instruments on human rights have been accelerated;

4. Requests the Secretary-General further to promote the programme of advisory services so that practical assistance in the process of ratification and implementation of international instruments on human rights is available for those States which indicate a need for such assistance;

5. Requests the Secretary-General to renew the invitation for submission of information contained in his earlier notes verbales to the

Governments of Member States which have not yet replied to those communications, making particular reference to the human rights instruments to which those Governments have not yet become party and drawing the attention of each Government to the instruments which it has already signed but not ratified;

6. Also requests the Secretary-General to continue holding informal discussions concerning prospects for ratification of human rights instruments with government delegations on such occasions as the sessions of the General Assembly and the Commission on Human Rights, priority being given to the instruments prepared by the Commission on Human Rights such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the First Optional Protocol to that Covenant, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child;

7. Further requests the Secretary-General to continue to inform the Sub-Commission, as appropriate, on his endeavours under the present resolution and to update the table containing a country-by-country record of developments which have taken place in connection with the ratification of, or accession to, the human rights instruments included in the terms of reference of the Sub-Commission;

8. Decides to request the Chairman of the Sub-Commission to appoint, prior to its forty-sixth session, one of its members to report to it at that session on information received under the present resolution, to analyse difficulties impeding ratification of, or accession to, the above-mentioned instruments and to assess the programme of advisory services in the field of human rights with a view to further encouraging universal acceptance of human rights instruments;

9. Also decides to continue consideration of the agenda item entitled "Encouragement of universal acceptance of human rights instruments" at its forty-sixth session and at subsequent alternate sessions of the Sub-Commission.

17th meeting
14th August 1992

[Adopted without a vote. See chap. XIII.]

1992/2. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34),

Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, the slavery-like practices of apartheid and colonialism, and the phenomenon of child soldiers,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work, in particular the progress made at its seventeenth session in executing its programme of work, and for its continued broad approach and flexible methods of work;

I. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

2. Welcomes the decision of the Commission on Human Rights, contained in its resolution 1992/76 of 5 March 1992, to extend the mandate of the Special Rapporteur, Mr. Vitit Muntarbhorn, for three years, while maintaining the annual reporting cycle;

3. Takes note of the information on these problems supplied by participants at the seventeenth session of the Working Group and requests the Centre for Human Rights to transmit this information to the Special Rapporteur, along with the recommendations relating to his mandate;

4. Requests the Special Rapporteur, within the framework of his mandate, to pay increased attention to issues relating to trafficking in children, such as organ transplantation, the use of child labour, disappearances, the purchase and sale of children, adoptions for commercial or exploitative purposes, child prostitution and the involvement of children in armed conflicts;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

5. Requests the Secretary-General, in accordance with Commission on Human Rights resolution 1992/74 of 5 March 1992, to invite all States to inform the Sub-Commission of measures adopted to implement the Programme of

Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, contained in the annex to resolution 1992/74;

6. Requests the Working Group to examine the state of the implementation of the Programme of Action at its eighteenth session and to transmit, through the Sub-Commission, a report thereon to the Commission at its fiftieth session;

C. Removal of organs from children

7. Requests the Secretary-General to invite all Governments, United Nations bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, and all relevant non-governmental organizations, in particular the International Criminal Police Organization (INTERPOL), to pursue their investigations of allegations involving the removal of organs from children and to indicate the measures taken, if any, to counteract this practice wherever it exists, with a view to presenting a report to the Working Group at its eighteenth session;

II. EXPLOITATION OF CHILD LABOUR AND DEBT BONDAGE

8. Reiterates its request to the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Abdelwahab Bouhdiba's report on the exploitation of child labour (E/CN.4/Sub.2/479), submitted to the Sub-Commission at its thirty-fourth session in 1981, and to extend that study to the problem of debt bondage;

9. Decides to transmit to the Commission on Human Rights the draft programme of action for the elimination of the exploitation of child labour, as reformulated by the Working Group on Contemporary Forms of Slavery on the basis of comments submitted by States, specialized agencies and interested non-governmental organizations pursuant to Commission on Human Rights resolutions 1991/54 of 6 March 1991 and 1992/74 of 5 March 1992, contained in the report of the Working Group (E/CN.4/Sub.2/1992/34, annex I);

10. Decides to keep the question of the eradication of debt bondage under consideration and to assess the progress achieved;

III. CHILD SOLDIERS

11. Takes note of the report of the Secretary-General on the recruitment of children into governmental and non-governmental armed forces (E/CN.4/Sub.2/1992/35 and Add.1);

12. Expresses its deep concern that in many parts of the world children are recruited into armed forces, and that some Governments and non-governmental entities encourage and sometimes compel children to take part in hostilities;

13. Requests the Working Group to continue to give attention to this question at its eighteenth session;

IV. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

14. Considers it necessary to promote the implementation of international norms and standards concerning the suppression of the traffic in persons and the exploitation of the prostitution of others and to strengthen the implementation mechanism of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

15. Requests the Secretary-General to make available to the Working Group on Contemporary Forms of Slavery a summary of the replies received from Governments, specialized agencies and intergovernmental and non-governmental organizations relating to the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, pursuant to Commission on Human Rights resolution 1992/36 of 28 February 1992;

16. Also requests the Secretary-General to convey to the World Tourism Organization the grave concern of the Working Group with regard to sex tourism, together with a request that it convene, as a matter of priority, a meeting to discuss the consequences of sex tourism and ways of preventing this phenomenon, in particular when the prostitution of children is involved;

17. Recommends that States take urgent measures to protect minors from exposure to or involvement in child pornography and requests the Secretary-General to invite States to provide information on measures taken or already applicable in that regard;

18. Requests the Secretary-General to submit to the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms information received by the Sub-Commission and its Working Group on Contemporary Forms of Slavery regarding the situation of women forced to engage in prostitution during wartime;

V. MACHINERY FOR MONITORING THE INTERNATIONAL CONVENTIONS ON SLAVERY

19. Recommends that the Secretary-General request the States parties to the international conventions on slavery to submit to the Sub-Commission, at regular intervals, reports on the situation in their countries, as provided for under the conventions;

20. Requests the Secretary-General to invite annually States which have not acceded to or have not ratified the international conventions on slavery to explain why they have not done so and to report on their replies to the Sub-Commission at its forty-fifth session and to the Commission at its fiftieth session, and to extend a similar invitation to States which have not ratified the conventions on forced labour of the International Labour Organisation;

21. Recommends that Governments avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

22. Urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

23. Requests the Secretary-General, when preparing his next report on the status and implementation of the international conventions on slavery, to include a list of States which have not yet signed, ratified or acceded to those instruments;

VI. UNITED NATIONS TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

24. Calls for the immediate implementation of General Assembly resolution 46/122 of 17 December 1991 establishing the United Nations Trust Fund on Contemporary Forms of Slavery and appeals to all Governments to respond favourably to requests for contributions to the Fund;

VII. MISCELLANEOUS

25. Requests the Working Group to study the possibility of preparing guiding principles for combating the various contemporary forms of slavery and to endeavour to identify the spheres in which such guiding principles could be applied;

26. Requests the Secretary-General to seek the views and suggestions of Member States and governmental and non-governmental organizations on this subject with a view to the consideration of their replies by the Working Group at its future sessions;

27. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, with a view to combating contemporary forms of slavery;

28. Also recommends that the supervisory bodies of the International Labour Organisation and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

29. Requests the Secretary-General to transmit to the above-mentioned committees, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the present resolution, as well as the report of the Working Group on its seventeenth session, drawing their attention to the recommendations contained therein of relevance to them and transmitting any information which is of concern to them;

30. Also requests the Secretary-General to invite news agencies, the press, television and radio to contribute, particularly within the context of the World Conference on Human Rights, to the rapid elimination of slavery in all its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices, trafficking in persons and exploitation of the prostitution of others, and also requests that similar awareness be promoted by the Department of Public Information of the United Nations Secretariat;

31. Notes with appreciation that the Commission on Human Rights, in its decision 1992/115 of 3 March 1992, decided to approve the request of the Sub-Commission to the Secretary-General to examine the possibility of organizing the sessions of the Working Group for eight working days during the month of April or May and recommends that such arrangements be repeated in subsequent years;

32. Requests the Secretary-General to schedule periods of consultation of the Special Rapporteur on the sale of children at the Centre for Human Rights to coincide with the future sessions of the Working Group and, if this cannot be arranged, requests the presence at those sessions of the officer of the Centre for Human Rights who assists the Special Rapporteur;

33. Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery, to prepare documentation well in advance, to facilitate the attendance at the sessions of the Working Group of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined, and to report on the measures taken for this purpose to the Commission on Human Rights at its forty-ninth session and to the Working Group on Contemporary Forms of Slavery at its eighteenth session;

34. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to report on the measures taken for this purpose to the Commission on Human Rights at its forty-ninth session and to the Working Group on Contemporary Forms of Slavery at its eighteenth session.

17th meeting
14th August 1992

[Adopted without a vote. See chap. XVI.]

1992/3. Contemporary forms of slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Affirming the mandate of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prevent discrimination, to discourage State practices that legitimize discrimination and to reinforce the international legal norm of non-discrimination,

Stressing that the Convention on the Elimination of All Forms of Discrimination against Women was adopted to eliminate discrimination against women in all its forms and manifestations,

Concerned that over 20 of the 107 States parties to that Convention have filed more than 80 substantive reservations with respect to their obligation to implement the Convention,

Concerned also that certain reservations to the Convention, in particular those in relation to the adoption of policies and institutional measures to implement the terms of the Convention (art. 2), political and public life (art. 7), discrimination in the field of employment (art. 11), equality of men and women before the law (art. 15) and marriage and family relations (art. 16), might diminish the international legal norm and legitimize its violation,

Aware that the third meeting of the States parties adopted a resolution expressing concern that these reservations might not be compatible with the object and purpose of the Convention,

Noting resolution 35/3 adopted by the Commission on the Status of Women at its thirty-fifth session, held from 27 February to 8 March 1991, in particular the invitation to the international community contained therein to mark in an appropriate manner the tenth anniversary of the entry into force of the Convention, and the encouragement of all States parties to make every effort to facilitate the implementation of the Convention at the national, regional and interregional levels,

Noting also that the Treaty Section of the Office of Legal Affairs of the United Nations Secretariat has given an opinion 1/ that neither the Secretary-General, as depositary, nor the Committee on the Elimination of Discrimination against Women has the power to determine the compatibility of reservations with the Convention,

Recalling its decision 1991/115 of 29 August 1991 in which it decided to suspend consideration of draft resolution E/CN.4/Sub.2/1991/L.49 recommending to the Commission on Human Rights that it propose to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on the validity and legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women,

Noting that at its seventeenth session the Working Group on Contemporary Forms of Slavery invited the Sub-Commission to take a decision on the question in the light of replies from the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women,

1. Requests the Secretary-General to seek the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on the desirability of obtaining an advisory opinion on the validity and legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women and to invite them, in their replies, to make such further observations on the issue of reservations to this Convention as they may consider appropriate;

2. Also requests the Secretary-General to report the results of the above consultations to the Sub-Commission at its forty-fifth session;

3. Decides to reconsider draft resolution E/CN.4/Sub.2/1991/L.49 at its forty-fifth session in the light of the replies received from the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women.

17th meeting
14 August 1992

[Adopted without a vote. See chap. XVI.]

1/ See Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 45 (A/39/45), vol. II, annex III.

1992/4. Discrimination against women

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking into consideration the objectives of the Nairobi Forward-looking Strategies for the Advancement of Women and of the Convention on the Elimination of All Forms of Discrimination against Women,

Having in mind the mandate of the Commission on the Status of Women and of the Committee on the Elimination of Discrimination against Women,

Noting with concern that the status of women has not greatly improved and that women in many areas continue to suffer discrimination, as described in the reports submitted by States parties to the Convention on the Elimination of All Forms of Discrimination against Women,

Noting also with concern the alarming information contained in the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1992/34), in particular with regard to prostitution and exploitation,

Recognizing the consequences of conflicts for women in view of their special vulnerability to violence of all kinds,

Recognizing also the harmful effects of certain traditional practices and social attitudes on the health and well-being of women,

1. Reaffirms that women's rights are recognized as inalienable human rights and that they should be treated as such in all United Nations bodies, including the Commission on Human Rights;

2. Recommends that the forthcoming World Conference on Human Rights give priority to the question of discrimination affecting women and their status, both in its agenda and in the documentation prepared for the World Conference;

3. Also recommends that information on the equality and empowerment of women, and their access to equality in education, work, health and literacy, be included in States' reports to all human rights monitoring bodies and not only to the Committee on the Elimination of Discrimination against Women;

4. Requests the Secretary-General to report on the implementation of the present resolution to the Sub-Commission at its forty-fifth session.

17th meeting
14 August 1992

[Adopted without a vote. See chap. XVII.]

B. Decisions

1992/101. Establishment of a sessional working group on detention

At its 2nd meeting, on 4 August 1992, the Sub-Commission decided, without a vote, to establish a sessional working group on detention.

[See chap. III.]

1992/102. Organization of work

At its 2nd meeting, on 4 August 1992, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. Luis Varela Quirós, Special Rapporteur, to submit his final report on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1992/10);

(b) In connection with item 4 and 8: Mr. Danilo Türk, to submit an updated report on the right of freedom of opinion and expression together with Mr. Louis Joinet (item 4) (E/CN.4/Sub.2/1992/9) and to submit his final report on the realization of economic, social and cultural rights (item 8) (E/CN.4/Sub.2/1992/16);

(c) In connection with item 10 (a): Mrs. Mary Concepción Bautista, to submit a final report on measures to protect United Nations staff members and their families (E/CN.4/Sub.2/1992/19) and to submit an updated report on the application of the international standards concerning human rights of detained juveniles (E/CN.4/Sub.2/1992/20);

(d) In connection with item 10 (d): Mr. William Treat to submit his third report on the right to a fair trial together with Mr. Stanislav Chernichenko (E/CN.4/Sub.2/1992/24 and 24/Add.1 to 3);

(e) In connection with item 14: Mr. Murlidhar Bhandare, to submit a working paper on the interrelationship between human rights and international peace (E/CN.4/Sub.2/1991/32 and Corr.1);

(f) In connection with item 17: Mr. Dimitru Mazilu, Special Rapporteur, to submit his final report on human rights and youth (E/CN.4/Sub.2/1992/36);

(g) In connection with the report on the forty-eighth session of the Commission on Human Rights: Mr. Pál Solt, Chairman of the forty-seventh session of the Commission on Human Rights (E/CN.4/1992/84).

[See chap. III.]

1992/103. Situation of human rights in Yugoslavia

At its 14th meeting, on 13 August 1992, the Sub-Commission decided, without a vote, to adopt the following text:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities, meeting at its forty-fourth session, noting the convening of the special session on the former Yugoslavia of the Commission on Human Rights, taking into account that the right to life and other fundamental human rights are being extensively violated in the former Yugoslavia and conscious that the protection of different ethnic groups is at the core of the mandate of the Sub-Commission,

"Expresses its horror and its total and unqualified condemnation of policies of so-called 'ethnic cleansing', which in the former Yugoslavia has generated vast displacements of people and large flows of refugees of the different ethnic groups, and in Bosnia and Herzogovina has affected, in particular, the Muslim population;

"Also expresses its deep concern at the existence of detention centres and allegations of serious human rights violations in those centres;

Demands:

"(a) That steps be taken on an urgent basis to stop the massive violations of the right to life and other human rights;

"(b) That the policies and practices of so-called 'ethnic cleansing' be immediately brought to an end;

"(c) That displaced people be given the opportunity to return to their homes and that their safety be ensured;

"(d) That full reparation be made for losses suffered as a result of the displacement;

"(e) That those responsible for the commission of crimes be brought to justice and that steps be taken as a matter of urgency to this end."

The Sub-Commission further decided to request its Chairman to transmit the decision to the Chairman of the Commission on Human Rights, meeting in special session.

[See chap. VI.]

1992/104. Human Rights and scientific and technological developments

At its 17th meeting, on 14 August 1992, the Sub-Commission decided, without a vote, to consider at its forty-sixth session the possibility of elaborating new human rights standards relating to scientific developments which can affect the mental condition or the genetic structure of human beings. The issue will be considered under the agenda item entitled "Human rights and scientific and technological developments".

[See chap. XII.]

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UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.12
19 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 5 (a)

ELIMINATION OF RACIAL DISCRIMINATION

MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION
AND THE ROLE OF THE SUB-COMMISSION

Draft resolution submitted by Mr. Al-Khasawneh, Ms. Attah, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian, Ms. Warzazi, and Mr. Yimer

1992/... Measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1990/1 and 1990/2 of 20 August 1990, and 1991/2 of 20 August 1991,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as

apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of all migrant workers and their families, and recalling in that regard the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Convinced of the need for the proclamation by the General Assembly of a third decade to combat racism and racial discrimination, to begin in 1993, as a means of intensifying international efforts in this field, particularly through international economic cooperation,

Having considered the report of the Secretary-General (E/CN.4/Sub.2/1992/11) submitted pursuant to Sub-Commission resolution 1991/2,

1. Takes note with appreciation of the report of the Secretary-General and expresses its deep concern at the reported serious incidents attributable to racism, racial discrimination and xenophobia that take place in any part of the world;

2. Decides to submit the report of the Secretary-General to the Commission on Human Rights at its forty-ninth session;

3. Recommends that the General Assembly take appropriate steps in due course to launch a third decade to combat racism and racial discrimination, to begin in 1993;

4. Recommends that the Commission on Human Rights appoint a thematic special rapporteur to address the issue of contemporary forms of racism, racial discrimination and xenophobia that occur in any part of the world;

5. Recommends the following draft resolution to the Commission on Human Rights for adoption:

The Commission on Human Rights,

Recalling its resolutions 1991/11 of 22 February 1991 and 1992/8 of 21 February 1992,

Recalling also its resolution 1992/41 of 28 February 1992 on human rights and thematic procedures,

Recalling further Sub-Commission resolutions 1990/1 and 1990/2 of 20 August 1990, and 1992/... of .. August 1992.

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Considering that despite the efforts thus far of the international community the principal objectives of the decades to combat racism have not been attained, and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

Concerned that despite these efforts racism and acts of violence resulting therefrom persist and are even increasing in a number of countries in North America and Europe,

Concerned also that in many parts of the world ethnic, cultural, linguistic, religious and other minorities are suffering from discrimination and discriminatory treatment,

Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of all migrant workers and their families, and recalling in that regard the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Convinced, however, that racism and racial discrimination, in whatever form, are intensified by, inter alia, conflicts over economic resources, in developed as well as in developing countries, and can best be defeated by a combination of economic, legislative and educational measures,

Reaffirming that all human rights and fundamental freedoms, economic, social and cultural, as well as civil and political, are indivisible and interrelated,

Convinced of the need for the proclamation by the General Assembly of a third decade to combat racism and racial discrimination, to begin in 1993, as a means of intensifying international efforts in this field, particularly through international economic cooperation,

Having considered the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session (E/CN.4/Sub.2/1992/11),

1. Takes note with appreciation of the report of the Secretary-General and expresses its deep concern at the reported serious incidents attributable to racism, racial discrimination and xenophobia that take place in any part of the world;

2. Recommends that the General Assembly take appropriate steps in due course to launch a third decade to combat racism and racial discrimination, to begin in 1993;

3. Emphasizes the obligation of the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism and racial discrimination, including those practised against indigenous peoples, migrant workers and other minority and vulnerable groups;

4. Confirms the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level;

5. Recognizes the important role that can be played in this regard by the Sub-Commission, as well as the need for more effective coordination between the Centre for Human Rights and organizations of the United Nations system which undertake operational activities for development;

6. Welcomes the efforts of the Committee on the Elimination of Racial Discrimination to fulfil its mandate;

7. Recognizes the importance of activities aimed at directly assisting minority and vulnerable groups to strengthen their participation in national economic, social and political life;

8. Appeals to all Governments to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

9. Urges all Governments to undertake immediate measures and to develop strong policies effectively to combat racism and eliminate discrimination;

10. Decides to appoint, for a three-year period, a thematic special rapporteur on contemporary forms of racism, racial discrimination and xenophobia in the light of recent trends in many countries of the world and to report thereon to the Commission on an annual basis, beginning at its fiftieth session;

11. Requests the Secretary-General to provide further all necessary assistance;

12. Recommends the following draft decision to the Economic and Social Council for adoption:

Question of contemporary forms of racism, racial discrimination and xenophobia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/... of ... February 1993, approves the Commission's decision to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia, and also approves the Commission's request to the Secretary-General to ensure that the Special Rapporteur receives all necessary assistance, in particular the staff and resources required to perform [his/her] functions, especially in carrying out missions and following them up. The Council further approves the Commission's request to the Special Rapporteur to report to the Commission at its fiftieth session.

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UNITED
NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.13
20 August 1992

Original: ENGLISH/ARABIC

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Draft resolution submitted by Ms. Attah, Mr. Hakim, Mr. Khalifa, Ms. Ksentini, Mr. Ramadhane, Mr. Sachar and Mr. Tian

1992/... Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the Geneva Conventions of 2 August 1949 for the protection of war victims, of the principles and provisions of international law and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and to ensure respect for the Conventions in all circumstances,

Recalling also all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel, which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to these territories, in particular resolution 1992/2 of 14 February 1992 of the Commission on Human Rights,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990, and 726 (1992) of 6 January 1992,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly and the relevant reports of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

Recalling with great concern the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988, on 18 and 19 August 1988 and on 21 May 1992 with respect to repeated violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and its continuous refusal to apply the provisions of the Convention in the occupied territories,

Reaffirming its previous resolutions in this respect,

Deeply alarmed at the persistent refusal of Israel to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to apply it to the Palestinians in the occupied Palestinian territories, and at the systematic and established violations of

human rights by Israel over the past 25 years and its persistence in killing, wounding and arresting Palestinian people and in deporting and expelling Palestinian citizens,

1. Reaffirms that the Israeli occupation of Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross and systematic violation of human rights and an aggression under international law;

2. Also reaffirms that the continued perpetration by the Israeli occupation authorities of deliberate killings of Palestinians, including children, breaking limbs of young men and causing grave harm to their physical integrity, subjecting cities, villages and camps to living conditions designed to strangulate and destroy them by imposing curfews, as happened in the Gaza Strip on 25 May 1992, and preventing their provision with food and medical supplies, firing gas bombs into houses, mosques, churches and hospitals, thus causing the death of many people by asphyxia, severely beating pregnant women and throwing gas bombs inside their homes, thereby causing them to miscarry, torturing Palestinian detainees, imposing collective punishment and administrative detention upon thousands of Palestinians, expelling and deporting Palestinians from their homeland, confiscating land and establishing Israeli settlements in the occupied Palestinian territories, bringing Jewish immigrants from several parts of the world and settling them on these territories, thus modifying their demographic character, closing schools and universities, desecrating holy places and demolishing houses, all constitute grave violations of the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights and of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

3. Further reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that the continued disregard and rejection of the provisions of the Convention by Israel constitute gross violations of the principles of international law, and that it is therefore the responsibility of the international community to provide protection for the

Palestinian people under Israeli occupation, in accordance with the relevant Security Council resolutions and the provisions of the Convention, until the end of the Israeli occupation of the Palestinian and other Arab territories;

4. Calls upon the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to apply article 1 of the Convention, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation;

5. Reaffirms once again the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with United Nations resolutions, and affirms that the intifada of the Palestinian people, which began on 8 December 1987, is one such means confirming their determination to liberate their land from Israeli occupation and to exercise their inalienable national rights on their national soil, above all their right to self-determination;

6. Also reaffirms the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (111) of 12 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with the principles and provisions of the Charter of the United Nations, the resolutions of the General Assembly and of the Commission on Human Rights, and the right to self-determination of all peoples;

7. Condemns the policy of Israel for:

(a) Its gross violations of the rules of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and calls upon Israel to desist immediately from those practices and to withdraw from the Palestinian territories and other occupied Arab territories, in accordance with the principles of international law and the relevant United Nations resolutions;

(b) Establishing Israeli settlements in the Palestinian and other occupied Arab territories and calls for them to be dismantled, and confirms that all measures taken by Israel with the purpose of annexing these territories or altering the political, cultural, religious or other character of Jerusalem and the Palestinian and other Arab territories occupied since 1967 are illegal, null and void;

(c) Its continued occupation of the Syrian Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and reaffirms that the decision by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void;

(d) The inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards, practices which constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

8. Reiterates its support for the convening of an international peace conference on the Middle East, under the auspices of the United Nations, in which all parties to the conflict, including the Palestinian Liberation Organization, would participate on an equal footing, and with the participation of the permanent members of the Security Council on the basis of Security Council resolutions 242 (1967) of 22 November 1967, and 338 (1973) of 22 October 1973, as well as of all relevant General Assembly resolutions, in particular those that define and confirm the inalienable rights of the Palestinian people, particularly their right to self-determination, and calls for the withdrawal of the Israeli occupation forces from all occupied Palestinian and other Arab territories, including Jerusalem;

9. Confirms that any attempt to solve the Arab-Israeli conflict outside the framework of the above-mentioned international conference or that is not based on the international legitimacy constituted by the principles of international law that govern armed conflicts among countries, as well as the relevant United Nations resolutions on Palestine and the Middle East, will not contribute to solving the real problem, and will maintain the current conflict that threatens the area with continuous wars;

10. Requests the Secretary-General to provide the Sub-Commission, at its forty-fifth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.

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(179)

UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.14
18 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 14

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

Draft resolution submitted by Mr. Al-Khasawneh, Ms. Attah, Mr. Chernichenko, Mr. Despouy, Mr. Khalil, Mr. Maxim, Mr. Sachar and Mr. Tian

1992/... Interrelationship Between Human Rights and International Peace

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/47 of 1 September 1989, inviting Mr. Murlidhar C. Bhandare to prepare a working paper on the problem of the interrelationship between international peace and the effective materialization of all human rights, particularly of the right to life and the right to development,

GE.92-13313/5051H (E)

Recalling also its decision 1991/106 of 29 August 1991 to suspend the debate on this item until its forty-fourth session,

Having studied with care and discussed at length the working paper presented to it by Mr. Bhandare at its forty-fourth session (E/CN.4/Sub.2/1991/32 and Corr.1),

1. Expresses its deep appreciation to Mr. Bhandare for his paper and for his constructive contribution to the debate thereon;

2. Takes note of the recommendations contained in the final part of the working paper;

3. Notes that certain new important facts ought also to be taken into account;

4. Requests therefore Mr. Bhandare to supplement his working paper and to present a further document to the Sub-Commission at its forty-sixth session.

UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1992/L.15
18 August 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Forty-fourth session
Agenda item 3

REVIEW OF THE WORK OF THE SUB-COMMISSION

Draft resolution submitted by Mr. Joinet and Mr. Yimer

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering Commission on Human Rights resolution 1992/66 of 4 March 1992, by which the Commission authorized it to establish, on an exceptional basis, an inter-sessional Working Group on the methods of work of the Sub-Commission,

Taking note of the report of the inter-sessional Working Group (E/CN.4/Sub.2/1992/3 and Add.1),

Recalling the set of guidelines which the Sub-Commission adopted at its twenty-seventh session (1974) concerning its methods of work (E/CN.4/1160, para. 26),

Decides to annex to the present resolution the document entitled "Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66".

ANNEX

Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66

I. PREPARATION OF STUDIES

Guideline No. 1

Regulation of the number of studies

1. When the number of ongoing studies* reaches 20, no new study may be undertaken unless a previously authorized study has been completed, except when it has been requested directly by the Commission.

2. Any study whose final report has been submitted to the Sub-Commission for consideration, even if it is subsequently decided that it may be updated annually, in the form of a periodic report for example, is considered to have been completed.

3. When the number of studies proposed for a decision exceeds the number of studies completed, the members of the Sub-Commission should hold consultations in order to establish priorities.

Guideline No. 2

Document preliminary to the studies

1. No new study may be undertaken unless a document entitled "preparatory document" has been submitted. Such a document should indicate, inter alia, the relevance of the study, including its timeliness, its object, the general outlines envisaged as well as a draft timetable. It should take the form of a working paper a few pages in length, submitted if possible in the course of the session of the Sub-Commission during which the study is proposed.

2. The preparation of a preparatory document shall in no way prejudge the decision finally taken concerning the execution of the study or the person finally designated to carry it out.

Guideline No. 3

Duration of studies

1. Unless there are special circumstances connected with the nature of the subject under study, the period of time for carrying out a study should be

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* "Studies" are understood to mean both studies as such and reports.

three years from the time of its authorization. It should comprise, in addition to the preparatory document, the following three phases: a preliminary report, a progress report and a final report.

2. If at any time during his mandate the rapporteur considers that, as a result of the difficulties encountered by him, he will need more than three years to complete his study, he should submit the question to the Sub-Commission for consideration in the context of the open debate on the agenda item in question.

Guideline No. 4

Appointment of rapporteurs

1. The specialized knowledge of the various members of the Sub-Commission should be taken into account when appointing rapporteurs, due regard being had for equitable geographical distribution. The members of the Sub-Commission should hold consultations as necessary during the session to coordinate the topics of new studies and the appointment of the experts who will be responsible for them.

2. The duties of rapporteur are in principle exercised by members of the Sub-Commission.

3. When the rapporteur for an ongoing study is no longer a member of the Sub-Commission, he may not be retained in his post of rapporteur for more than one year after the date on which his mandate expires, unless the Sub-Commission decides otherwise.

Guideline No. 5

Appointment of commentators

1. The author or authors of the study may appoint two members at most of the Sub-Commission as commentators in order to undertake an in-depth analysis of the study, in liaison with its author or authors, so as to be better able to draw the attention of the Sub-Commission, during its deliberations, to points that seem important or controversial.

2. When such an appointment is envisaged, it is desirable that it should take place at the session preceding the submission of the study or not later than the beginning of the session at which the study is submitted.

3. Such an appointment should in no way limit the right of any member of the Sub-Commission to comment, at any time under the agenda item being discussed, on the report submitted for consideration.

Guideline No. 6

List of studies

In accordance with established practice and in compliance with paragraph 3 of Commission resolution 1982/23, the Sub-Commission shall annex to its annual report an updated list of completed or ongoing studies containing the following information bearing appropriate symbol numbers:

(a) Title of the study;

(b) Name of its author;

(c) Legislative authority;

(d) Timetable of the study;

(e) Effective date of presentation of the preliminary, interim or final report.

Guideline No. 7

Follow-up of studies

The secretariat shall inform the Sub-Commission, at each session of the follow-up action on studies, in the form of a note indicating for each study the following points:

(a) Title of the study, specifying, if necessary, whether or not the report is updated annually (periodic report);

(b) Name of the author;

(c) Reference to the decisions concerning the budgetary implications and indication of total amount. For each of these decisions, the total amount of the appropriations actually used after the completion of the appropriate phase of the study;

(d) Summary of the most recent recommendation made by the author of the study. Follow-up given to these recommendations, in respect of the rules, measures or practices adopted, by the secretariat or Governments or by the specialized agencies or institutions or NGOs concerned.

II. SUBMISSION AND ADOPTION OF RESOLUTIONS AND DECISIONS

Guideline No. 8

In order to permit a better assessment of trends with regard to the number of resolutions and decisions and to promote self-discipline in order to reduce their number, the secretariat shall provide at each session of the Sub-Commission, a comparative table for the previous three years showing the number of decisions or resolutions considered by category as follows:

(a) Resolutions and decisions concerning the Sub-Commission alone;

(b) Resolutions and decisions submitted to the Commission on Human Rights for action or adoption, stating how many of them are also to be submitted to the Economic and Social Council for adoption;

(c) Resolutions of whatever category concerning the human rights situation in a given country;

(d) Resolutions and decisions concerning the submission of studies;

(e) Resolutions and decisions whose adoption was deferred or which were withdrawn;

(f) Solemn and consensus statements by the Chairman;

(g) Documents stating the financial implications of resolutions and decisions submitted in compliance with financial regulation 13.1 and rule 28 of the rule of procedure of the functional commissions of the Economic and Social Council.

Guideline No. 9

At the beginning of each meeting the Chairman shall invite the secretariat to inform the Sub-Commission of the number of resolutions registered in order to promote self-discipline in this respect.

Guideline No. 10

If, when a draft resolution is being submitted, the Chairman notes that the signatures of at least four co-sponsors have not been obtained, he may, in consultation with the officers, invite the author, or if appropriate the co-sponsors, to withdraw their draft. If the author or a single co-sponsor objects, the draft shall be kept on the agenda.

Guideline No. 11

Either during consultations prior to the submission of a draft resolution or after its registration with the secretariat, the Chairman, after consultation with the officers, shall ascertain whether it would be appropriate to invite all the parties involved in such consultations to replace the draft resolution with a consensus and solemn declaration by the Chairman meeting their approval and which would appear in extenso in the report of the Sub-Commission and in the summary record.

Guideline No. 12

Without prejudice to the provisions of rule 52 of the rules of procedure of the functional commissions of the Economic and Social Council, draft resolutions should be submitted at least three working days before the date on which they are scheduled to be put to a vote. This deadline should be set at four days in cases involving financial implications.

III. HOLDING OF MEETINGS AND ALLOCATION OF SPEAKING TIME

Guideline No. 13

Schedule of meetings

In accordance with established practice, meetings which are not devoted to the adoption of decisions or resolutions shall begin at the scheduled time. However, if a member so requests, the meeting may not be called to order until there is a quorum.

Guideline No. 14

Order of statements

1. Members of the Sub-Commission, at any time;
2. Observers for intergovernmental and non-governmental organizations;
3. Government observers.

Guideline No. 15

List of speakers

1. The list of speakers shall be opened at the beginning of the session for all items on the agenda. The closure of the list, for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on an agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

Guideline No. 16

Speaking time

At the beginning of each session, the Chairman shall invite participants to respect the speaking time allocated for each item in accordance with the following rules:

(a) Members of the Sub-Commission:

(i) 20 minutes maximum, divided into one or several statements;

(ii) 35 minutes maximum, for the presentation of a study, to be divided by the author between the explanatory remarks and the conclusion.

(b) Government observers:

(i) 10 minutes maximum (and 14 minutes in total if the item contains several sub-items);

(ii) 5 minutes maximum in connection with a right of reply or 3 minutes maximum in connection with a second right of rejoinder, as the case may be;

(iii) 5 minutes maximum for a statement to be exercised immediately before voting on a resolution, when the country is implicated.

(c) Non-governmental observers:

10 minutes maximum (and 16 minutes in total if the item contains several sub-items or in case of a joint statement).

Guideline No. 17

Self-discipline

As and when necessary, and in order to promote self-discipline, each participant shall be warned by a written message from the Chairman, transmitted by the secretariat, that his speaking time is drawing to an end and that the Chairman intends to call the next speaker.

IV. TRANSITIONAL ARRANGEMENTS

Guideline No. 18

These arrangements shall not take effect until the Sub-Commission's forty-fifth session. They shall not be applicable to rapporteurs appointed before the forty-fourth session.

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